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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

McKENNA DUFFY, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

YARDI SYSTEMS, INC., BRIDGE
PROPERTY MANAGEMENT, LLC,
CALIBRATE PROPERTY MANAGEMENT
LLC, CLEAR PROPERTY MANAGEMENT,
LLC, DALTON MANAGEMENT, INC., HNN
ASSOCIATES, LLC, LEFEVER MATTSON,
MANCO ABBOTT, INC., MORGUARD
CORPORATION, SUMMIT MANAGEMENT
SERVICES, INC., CREEKWOOD PROPERTY
CORPORATION, and LEGACY PARTNERS,
INC.

Defendants.

Case No. 2:23-cv-01391-RSL

**STIPULATED MOTION FOR
EXTENSION OF TIME TO RESPOND
TO COMPLAINT AND ORDER**

STIPULATED MOTION FOR EXTENSION
OF TIME TO RESPOND TO COMPLAINT & ORDER
Case No.: 2:23-cv-01391-RSL

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1 Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiff McKenna Duffy and
2 Defendants Yardi Systems, Inc. (“Yardi”), Bridge Property Management, LLC (“Bridge”),
3 Calibrate Property Management, LLC (“Calibrate”), Dalton Management, Inc. (“Dalton”),
4 LeFever Mattson (“LeFever”), Legacy Partners, Inc. (“Legacy”), HNN Associates, LLC
5 (“HNN”), Manco Abbott, Inc. (“Manco”), and Summit Management Services, Inc. (“Summit”),
6 (collectively, “Stipulating Defendants,”¹ and with Plaintiff, the “Stipulating Parties”), by and
7 through their respective counsel, hereby stipulate as follows:

8 1. WHEREAS, Plaintiff filed the Class Action Complaint (the “Complaint”) against
9 all Defendants in the above captioned action on September 8, 2023;

10 2. WHEREAS, Plaintiff served Stipulating Defendants with the Complaint on or
11 around September 14, 15, and 18, 2023;

12 3. WHEREAS, the Complaint asserts two claims under Section 1 of the Sherman
13 Act based on the alleged use of Yardi’s software for the multifamily leasing market;

14 4. WHEREAS, Plaintiff voluntarily dismissed their claims, without prejudice,
15 against non-Stipulating Defendants Jones Lang LaSalle Incorporated and Pillar Properties LLC
16 on September 25, 2023 (ECF Nos. 36-37);

17 5. WHEREAS, Plaintiff and Stipulating Defendants are not aware whether non-
18 Stipulating Defendants Morguard Corporation and Clear Property Management LLC are yet
19 represented by counsel and, in any event, have not yet connected with counsel;

20 6. WHEREAS, under Federal Rule of Civil Procedure (“Rule”) 12(a)(1)(A)(i), the
21 current deadline to answer, move to dismiss, or otherwise respond to the Complaint is October 5

22 _____
23 ¹ Defendant Creekwood Property Corporation (“Creekwood”) is in the process of engaging local counsel.
24 Creekwood’s attorneys have agreed to abide by this stipulation regarding their answer date and expect to make
an appearance as soon as local counsel is engaged.

1 as to Stipulating Defendants Yardi, HNN, LeFever, and Legacy, October 6 as to Stipulating
2 Defendants Bridge, Dalton, and Summit, and October 9 as to Stipulating Defendants Calibrate
3 and Manco;

4 7. WHEREAS, under Rule 12(a)(1)(A)(ii), Defendant Creekwood’s deadline to
5 answer, move to dismiss, or otherwise respond to the Complaint is on or around November 20,
6 2023, because on September 19, 2023, Creekwood waived service;

7 8. WHEREAS, Plaintiff and Stipulating Defendants have conferred telephonically
8 and by electronic mail, and have agreed that party and judicial efficiency would be best served
9 by continuing the deadline for all Defendants to answer, move to dismiss, or otherwise respond
10 to the Complaint to November 17, 2023;

11 9. WHEREAS, continuing all Defendants’ deadline to answer, move to dismiss, or
12 otherwise respond to the Complaint to November 17, 2023, would not prejudice any party
13 because this case is in its early stages, no substantive filings have been made, and no schedule
14 has been entered;

15 10. WHEREAS, the Stipulating Parties do not intend via this Stipulated Motion to
16 shorten any Defendant’s time to answer, move to dismiss, or otherwise respond to the
17 Complaint. To the extent any current or future Defendant has a deadline to respond to the
18 Complaint under Rule 12(a)(1) that falls after November 17, 2023, those deadlines will remain
19 the same and such Defendants (if any) may answer, move to dismiss, or respond to the
20 Complaint consistent with their Rule 12(a)(1) obligations after November 17, 2023; and

21 11. WHEREAS, the Stipulating Parties plan to meet and confer to propose a joint
22 briefing procedure and schedule for the Court to consider within fourteen days of the entry of the
23 proposed order, which the Stipulating Parties anticipate will provide for the filing of one
24

1 oversized joint motion to dismiss addressing issues and arguments common to all Defendants
2 and undersized motions to dismiss for each Defendant that wishes to make arguments unique to
3 them.

4 THEREFORE, Plaintiff and Stipulating Defendants STIPULATE AND AGREE that:

5 The deadline for all Defendants to answer, move to dismiss, or otherwise respond to
6 Plaintiff's Complaint is continued to November 17, 2023. This stipulation shall not shorten any
7 Defendant's time to answer, move to dismiss, or otherwise respond to the Complaint to the
8 extent any current or future Defendant's deadline under the Federal Rules of Civil Procedure to
9 respond to the Complaint falls after November 17, 2023.

10 The parties will meet and confer to discuss a joint briefing schedule and page limits for
11 any joint and/or individual motions to dismiss that Defendants anticipate filing in connection
12 with the Complaint. The parties will submit their proposed briefing schedule to the Court within
13 14 days of the entry of the order adopting this stipulation and, to the extent agreement cannot be
14 reached, the parties will identify any outstanding areas of disagreement and each party's
15 position.

16 STIPULATED to this 3rd day of October, 2023.

17
18 Dated this 4th day of October, 2023.

19 

20 Robert S. Lasnik
21 United States District Judge

21 Presented by:

22 **HAGENS BERMAN SOBOL**
23 **SHAPIRO LLP**

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